REMARKS

Reconsideration of this application is respectfully requested in view of the the following remarks. Claims 1-6 are currently pending in the application and subject to examination.

In the Office Action mailed April 19, 2005, claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,289,036 to Saito et al. ("Saito") in view of U.S. Patent No. 6,571,090 to Moriyama, et al. ("Moriyama"). The Applicant hereby traverses the rejection, as follows.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being anticipated by Saito in view of Moriyama. The Office Action asserts that Saito teaches every feature of the invention of claim 1, with the exception of supplying the selected reception signal to a signal processor arranged subsequent to the antenna switching device. The Office Action cites Moriyama to cure this deficiency.

Independent claim 1 recites in part:

> a controller for controlling the antenna switching device for selecting a reception signal having a lower level than a maximum input level of the signal processor, in accordance with detection result from the detector.

Independent claim 6 recites in part:

> based on the detection result from the detector, selecting one antenna from the plurality of antennas, the reception signal from the selected antenna having a lower level than a maximum input level of a signal processor;

According to Saito, conventional spread spectrum signal processing performs an antenna switching judgment based on a field intensity in a wide frequency band. Consequently, it was difficult using conventional signal processing to determine a

difference between a reduction in field intensity in the center frequency and a reduction in field intensity near the central frequency.

According to Saito, this difference, however, can be correctly determined by determining a reception level in a narrow frequency band. Thus, if a narrow band BPF is provided in the above-mentioned conventional apparatus, it is possible to finely determine a reception level in each frequency band so as to detect a level at which an error occurs. In other words, reception levels in narrow and wide frequency bands are compared with threshold levels of narrow and wide bands.

If a reception level is equal to or lower than a corresponding threshold level, antenna switchover will be performed. Therefore, each threshold level used in Saito is nothing but a minimum value. For example, Saito's Figs. 3B, 3C and the corresponding disclosures show that although reception levels are almost the same in a wide frequency band, but Fig. 3C indicates a higher probability of error generation. This means that a lower reception level in the center frequency presents a higher probability of error generation. Therefore, it is understood that the threshold value for use in judgment in Saito is nothing but a minimum value.

Saito teaches a control unit 118 for switching between the antennas 111, 112. The control unit 118 switches between the antennas 111, 112 based on the signal S1-1 supplied from the first wave detector 124, and the signal S8 supplied from the second wave detector 122. In a case where the signal S1-1 supplied from the first wave detector 124 becomes equal to or lower than a first threshold level, or in a case where the signal S8 supplied from the second wave detector 122 becomes equal to or lower than a second threshold level, the control unit 118 performs a switching of the antenna

used. The signal S8 is also used as a control signal S2 for a variable amplifier 116. See, for example, Saito FIGS. 4-5 and col. 4, lines 5-25.

Saito also teaches that, in the case where the signal S1 is below a first threshold level, or in the case where the signal S2 is below a second threshold level, a switching of the antennas is performed. Consequently, Saito teaches switching antennas to maintain or keep the signals S1 or S2 above their respective thresholds. Thus, both the first threshold level and the second threshold level are minimum threshold levels. Therefore, Saito teaches switching antennas when the received signal is too small.

In contrast, the present invention teaches a maximum input level and switches antennas when the received signal is too large. Consequently, an antenna is selected to keep or maintain the signal below the maximum threshold level.

Saito therefore does not teach or suggest selecting "a reception signal having a lower level than a maximum input level of the signal processor," as recited in claim 1 of the present invention. Similarly, Saito also fails to disclose and/or suggest "selecting one antenna from the plurality of antennas, the reception signal from the selected antenna having a lower level than a maximum input level of a signal processor", as recited in claim 6.

Moriyama teaches only lower limit values, or minimum threshold levels. Moriyama is not cited for and does not teach maximum threshold levels. Therefore, Moriyama does not teach or suggest the feature of selecting "a reception signal having a lower level than a maximum input level of the signal processor," as recited in claim 1 of the present invention or "selecting one antenna from the plurality of antennas, the

reception signal from the selected antenna having a lower level than a maximum input level of a signal processor", as recited in claim 6.

Consequently, the combination of Saito and Moriyama fails to teach and/or suggest the claimed invention. Therefore, Applicant requests reconsideration and withdrawal of the rejection of claims 1-6 under 35 U.S.C. § 103(a).

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicant hereby petitions for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, referencing Docket No. 107156-00086.

Respectfully submitted,

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